

## **REMARKS**

The following remarks are intended to fully respond to the Final Office Action dated April 10, 2007. In that final action claims 33, 35, 37, 39, 40, 51-53, 55-57, 59, 61 and 63-65 were examined, and all claims were rejected. More specifically, claims 33, 35, 37, 39, 40, 52, 53, 55-59, 61 and 65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Narayanaswami (U.S.P.N. 6,556,222), Beaton et al. (U.S.P.N. 6,037,937), and Read (U.S.P.N. 6,443,614). Claims 51 and 63-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Narayanaswami, Beaton et al., Read and Hoeksma (U.S.P.N. 6,271,835). Reconsideration of these rejections is respectfully requested in light of the following remarks.

In this Response, claims 33, 35, 37, 39, 40, 51-53, 55-57, 59, 61 and 63-65 remain pending in the application.

### **I. Newly Cited References**

The two new references cited in the final action (Narayanaswami and Read) fail to disclose the invention recited in independent claims 33 and 55. Each of these references is briefly summarized below.

#### **A. Read (U.S.P.N. 6,443,614)**

The Read patent describes a watch having a plurality of buttons arranged around a periphery of the watch bezel, and a programming window 18 within the watch face 14 that prompts the user during setup and operation of the watch so that the user may operate the watch without referring to a user's manual (see col. 3, lines 24-28). As shown in FIG. 1D, the programming window 18 includes a function line 20 and an arrow 22 pointing to one of the buttons. "During use, every programming or prompt screen has a programming window 18 with a function line 20 at the bottom and (an) indicator arrow(s) 22 pointing to the next key(s) to push." Col. 3, lines 37-40. In the event that multiple key presses are necessary to complete a programming function, multiple arrows (shown in FIG. 1E) are provided with corresponding numbers to indicate the "sequence the keys 12 pointed to are to be pressed." (See col. 3, lines 40-50). In an alternative embodiment shown in FIG. 2B, icons may be used in place of arrows

when the smart watch clusters the operating keys 42 along the bottom of the watch rather than arraying the buttons 12 around the perimeter of the watch, as shown in FIG. 1E.

As described within the Read patent, the function line 20 and the arrows 22 pointing to individual buttons 12 are used to instruct a user in how to operate the watch to achieve a desired function. Thus, the Read patent does not describe or teach the use of multiple control images positioned next to each button on the watch, but rather describes the use of a textual command within the function line 20 and an associated arrow 22 to point to one of the buttons. As described in greater detail below, the use of arrows within a single window 18 at the bottom of the display actually teaches away from the present invention that utilizes a display having a **plurality** of icons displayed **immediately adjacent** to corresponding input elements.

B. Narayanaswami (U.S.P.N. 6,556,222)

The Narayanaswami patent describes a smart watch having a rotatable bezel that is used to navigate menus and input commands (e.g., set an alarm time). FIG. 8A illustrates an embodiment where fixed icons arranged around a periphery of the bezel may be aligned with a particular hour before pressing the bezel down to activate the function represented by the icon. See col. 9, lines 52-60. Due to the use of a rotatable bezel, Narayanaswami does **not** describe or suggest the use of a plurality of input elements arranged about a periphery of the device, as recited in each of the currently pending independent claims.

II. Obviousness Rejections

The §103(a) obviousness rejections of independent claims 33 and 55, based on a combination of the above-described references (along with the previously cited Beaton patent – U.S.P.N. 6,037,937), fail to raise a prima facie case of obviousness. Specifically, such a prima facie case first and foremost requires that the cited references teach or suggest each element of the claimed invention. MPEP §§ 706.02(j) and 2142-43. However, the combination of Beaton, Read and Narayanaswami fail to disclose or suggest the step of positioning each one of a plurality of control images “immediately adjacent” to a corresponding input element to “associate” the input element with the control image, as recited in independent claims 33 and 55.

In particular, Applicant respectfully traverses the discussion at page 3 of the Office action which states that the Read patent teaches “positioning each control image of the display immediately adjacent to a corresponding one of the input elements on a housing to associate the control image with the corresponding input element, wherein activation of one of the input elements initiates performance of the task indicated by the associated control image (fig. 1A; col. 1, lines 30-40, and lines 54-60, and col. 4, lines 45-55).” As summarized in Section I.A. above, the portions of the Read patent cited by the Examiner merely describe the use of textual commands within a single window 18 along with arrows to direct a user to press a button corresponding to the textual command. Thus, contrary to the assertion within the Office action, the Read patent does not disclose or teach a **plurality** of icons displayed **immediately adjacent** to corresponding input elements. Rather, the Read patent only displays a **single command** along with one or more arrows pointing to the various watch buttons. The distinction is significant since the single window 18 described in the Read patent can only display one command at a time and thus would not be able to provide for the scrolling operation shown in FIG. 3C of the present application (or the selection of characters shown in FIGS. 7-10) which relies on the display of a plurality of icons adjacent their corresponding input element.

In sum, the arrow pointing feature within Read allows a user to achieve a **single** desired function without referring to an instruction manual, but fails to teach allowing a user to select one of a **plurality** of functions by pressing a button **immediately adjacent** to the corresponding control image. Further, the provision of a single display window at the bottom of a watch face that relies on arrows to point to different watch buttons actually **teaches away** from the display of a **plurality** of control images that allow a user to select one of a number of available functions. Because Read teaches a single control window to manipulate a plurality of watch buttons teaches, it fails to disclose or suggest (i.e., teaches directly away from) the use of separate control images placed immediately adjacent to each input element.

The above-described deficiencies of the Read patent are not addressed by either the Beaton or the Narayanaswami patents. Beaton discloses a touch screen to activate the various control icons and thus does not teach or suggest icons positioned adjacent to input elements, while Narayanaswami discloses a rotatable bezel with fixed icons. As described above, the rotatable bezel of Narayanaswami also **teaches away** from the use of a plurality of input

elements arranged about a perimeter of the display. Thus, even if all three of the cited patents are combined, the combination fails to raise a prima facie case of obviousness since the final element of independent claim 33 (and the corresponding element of independent claim 55) is not shown, taught or suggested by any of the three cited patents. Specifically, none of the three patents describe the step of “positioning each control image in the background of the display immediately adjacent to a corresponding one of the input elements on the housing to associate the control image with the corresponding input element.”

Thus, in light of the above remarks, Applicant respectfully requests reconsideration of the obviousness rejections of independent claims 33 and 55. Additionally, each of the pending dependent claims is believed to be allowable in combination with their corresponding independent claim. However, the dependent claims are further allowable due to the additional subject matter recited in each of those claims. For example, dependent claim 37 recites a plurality of regions defined within the display, where each control image is positioned within a separate region (see, e.g., FIG. 3B of the present application which illustrates four separate regions 324, 326, 328 and 330). While page 4 of the Office action cites the Read patent as teaching the recited regions, Applicant respectfully traverses this finding in light of the above remarks. In particular, the cited portions of the Read patent (col. 1, lines 30-40 and 54-60) do not teach or suggest the use of defined regions to help associate the control images with their corresponding input elements. Indeed, as described above, Read fails to teach or suggest the display of a plurality of control images, much less a plurality of regions for holding each of the control images.

**Conclusion**

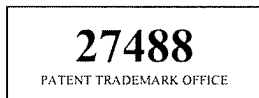
The pending claims 33, 35, 37, 39, 40, 51-53, 55-57, 59, 61 and 63-65 are believed to be in condition for allowance, and such action is respectfully requested. Furthermore, since the above remarks are believed to fully distinguish the applied references, any remaining arguments supporting the rejected claims are not acquiesced to because they are not addressed herein. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

It is believed that no fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

Respectfully submitted,

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